



Charles M. Lizza

Phone: (973) 286-6715

Fax: (973) 286-6815

clizza@saul.com

www.saul.com

October 24, 2023

VIA ECF

The Honorable Leda D. Wettre, U.S.M.J.
United States District Court
Martin Luther King, Jr. Federal Building
50 Walnut Street, Room 2060
Newark, New Jersey 07102

Re: *Axsome Therapeutics, Inc., et al. v. Teva Pharmaceuticals, Inc.*
Civil Action No. 23-1695 (MEF)(LDW)

Dear Judge Wettre:

This firm, together with Quinn Emanuel, represents Plaintiffs Axsome Therapeutics, Inc. and Antecip Bioventures II LLC (together, "Plaintiffs") in this case. We write on behalf of all parties to provide a status update prior to the October 30, 2023 teleconference pursuant to Your Honor's July 20, 2023 Pretrial Scheduling Order (D.I. 30). Because there are no issues currently ripe for the Court's attention, the parties respectfully request that the status teleconference be adjourned.

The case is currently in fact discovery. On September 15, 2023, Defendant served its non-infringement and invalidity contentions, to which Plaintiffs are diligently working on providing their responses by the December 15, 2023 deadline. The parties are actively engaged in fact discovery, with both sides having served and responded to initial discovery requests. The parties are currently on track to complete fact discovery in accordance with the Pretrial Scheduling Order.

Given that there are no issues ripe for the Court's attention at this time, we respectfully request, subject to the Court's approval, that the October 30 status teleconference be adjourned until a date in February, after Plaintiffs serve their contentions and the parties begin exchanging their *Markman* disclosures. Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink that reads "Charles M. Lizza".

Charles M. Lizza

cc: All counsel of record (via email)